

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF MONTANA**

RUTH FREDERICK, et al.,

Plaintiff(s),

vs.

METROPOLITAN POLICE, et al.,

Defendant(s).

Case No. 2:15-cv-02201-KJD-NJK

**REPORT AND RECOMMENDATION**

This matter is before the Court on Plaintiffs' failure to respond to this Court's Order to Show Cause. Docket No. 3. On November 25, 2015, the Court denied without prejudice Plaintiffs' application to proceed *in forma pauperis*. Docket No. 2. The Court ordered Plaintiffs to either pay the filing fee or a completed application to proceed *in forma pauperis*. *Id.* at 2. When Plaintiffs failed to comply, the Court ordered them to show cause why their case should not be dismissed. Docket No. 3. The Court warned Plaintiffs that "**[f]ailure to comply with this Order will result in a recommendation to the District Judge that this case be dismissed.**" *Id.* (emphasis in original). To date, Plaintiffs have failed to comply.

Plaintiffs did not heed the Court's warning that a recommendation of dismissal would result from their failure to follow this Court's orders. *See* Docket. This disobedience of Court orders is an abusive litigation practice that has interfered with the Court's ability to hear this case, delayed litigation, disrupted the Court's timely management of its docket, wasted judicial resources, and threatened the integrity of the Court's orders and the orderly administration of justice. Sanctions less drastic than dismissal are unavailable because Plaintiffs have refused to comply with this Court's orders notwithstanding the Court's

1 warning that case-dispositive sanctions may be imposed.

2 Accordingly, the undersigned **RECOMMENDS** that this case be **DISMISSED** without prejudice.

3 Dated: April 15, 2016

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6 NANCY J. KOPPE  
7 UNITED STATES MAGISTRATE JUDGE

8 **NOTICE**

9 Pursuant to Local Rule IB 3-2, any objection to this Report and Recommendation must be in writing  
10 and filed with the Clerk of the Court within fourteen (14) days. The Supreme Court has held that the courts  
11 of appeal may determine that an appeal has been waived due to the failure to file objections within the  
12 specified time. *Thomas v. Arn*, 474 U.S. 140, 142 (1985). This circuit has also held that (1) failure to file  
13 objections within the specified time and (2) failure to properly address and brief the objectionable issues  
14 waives the right to appeal the District Court's order and/or appeal factual issues from the order of the  
15 District Court. *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir. 1991); *Britt v. Simi Valley United Sch. Dist.*,  
16 708 F.2d 452, 454 (9th Cir. 1983).  
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